



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Norway

National correspondent

First Name - Last Name: **THORHEIM Karl otto**

Job title: **Legal Adviser**

Organisation: **Ministry of Justice**

E-mail: **Karl-otto.thorheim@jd.dep.no**

Phone Number : **47 22 24 54 36**

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

4681100

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	100079922020
Regional / entity level	

3) Per capita GDP (in €)

56000

4) Average gross annual salary (in €)

43921

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

8,2080

Please indicate the sources for the questions 1 to 4

Statistics Norway and Ministry of Finance, Norway

National Bank of Norway (concerning the exchange rate per 2.1.2007)

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

175013040

7) Please specify

First and Second instance courts: 167 938 479

the Supreme Court : 7 074 561

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross)

☒ Yes

104288492

salaries

Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input checked="" type="checkbox"/> Yes	9468323
---	---	---------

Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	
--	---	--

Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	35236667
--	---	----------

Annual public budget allocated to investments in new (court) buildings	<input checked="" type="checkbox"/> Yes	3740253
--	---	---------

Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	2262061
--	---	---------

Other (please specify):	<input checked="" type="checkbox"/> Yes	
-------------------------	---	--

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

☒ Yes

☐ No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Increased amount: 6091618

10) In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

☐ for criminal cases?

☒ for other than criminal cases?

If yes, are there exceptions? Please specify:

"Pursuant to the Court Fee Act section 10, court fee does not have to be paid in certain cases. Section 10 applies for instance to paternity cases and cases concerning parental responsibility. Pursuant to the Free Legal Aid act section 26 and 27 legal aid also includes relief of the court fee. Under certain provisions the court fee is relieved although legal aid is refused."

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

19741970

12) Total annual approved budget allocated to the whole justice system (in €)

1981751000

13) Total annual approved public budget allocated to legal aid (in €)

151635000

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	75825000	75825000

15) Is the public budget allocated to legal aid included in the court budget ?☐ Yes☒ No**16) Total annual approved public budget allocated to the public prosecution system (in €)**

12384000

17) Is the budget allocated to the public prosecution included in the court budget?☐ Yes☒ No**18) Authorities formally responsible for the budget allocated to the courts:**

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other ministry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Courts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

The responsibility of allocation of the budget to the courts is in Norway divided between the Ministry of Justice and the National Courts Administration. The Ministry of Finance has an overall responsibility for the entire state budget.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

Ref. question 16: Public prosecution system is partially financed by the budget of the police. Hence, the total approved public budget allocated to the public prosecution system is more than indicated in question 16 in Norway

Please indicate the sources for the questions 6, 7, 13 et 16

St.prp. nr. 1 (2007-2008)

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

☒ Yes

☐ No

If yes, please specify:

Legal aid regarding a specific case foresees the exoneration of the court fees of the case.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

☒ Yes

☐ No

If yes, please specify:

Legal aid regarding a court cases does not cover fees related to the execution of the judicial decision, but in certain cases such fees can be covered after a special application.

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	NA
Criminal cases	NA
Other than criminal cases	

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- ☒ Yes
- ☐ No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	X		
for other than criminal cases?		X	

27) In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

- ☐ Yes
- ☒ No

28) If yes, is the decision for granting or refusing legal aid taken by:

- ☐ the court?
- ☐ an authority external to the court?
- ☐ a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- ☒ Yes
- ☐ No

Please specify:

Home and car insurance may cover legal expences, but this mainly applies to litigations relating to the insured object.

30) Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	yes	no
criminal cases?		

	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In other than criminal cases:

Free legal aid in other than criminal cases is a social benefit, the purpose of which is to guarantee necessary legal assistance for persons who do not have the financial means themselves. This provide legal aid that is of great importance for persons and their welfare.

In criminal cases:

Pursuant to Section 94 of the Criminal procedure act (CPA) the person charged is entitled to have the assistance of a defence counsel of his own choice at every stage of the criminal case.

It should however be noted that the costs for the defence lawyer is not always paid by the State, even though this is the main rule.

The right to a defence lawyer at public expense is regulated in Sections 96 to 100 b of the CPA. Charged persons have the right to a defence counsel at public expense when it is clear that he or she will not be released within 24 hours after being arrested, during court sittings held to decide the question of remand in custody (the person shall have a defence counsel as long as held in custody), during judicial recording of evidence for use in a main hearing and, with some minor exceptions (Section 96, second, third and fourth paragraph), during main hearings in court (district courts and appeal courts) held to decide the criminal case in question, as well as in some other special instances.

Please note that the court, when there are special reasons for doing so, may also appoint a defence counsel even when the person charged is not entitled to it according to the rules above. The most practical example is cases where appointment of such counsel is deemed necessary to secure a fair trial due to special circumstances.

In some criminal cases free legal assistance is also offered to the victim in accordance with CPA section 107a.

Please indicate the sources for the questions 24 and 26

Question 26: In criminal cases free legal aid is granted irrespective of income and assets under the criminal procedure act section 94 to 107.

In most other cases an income and asset test is applied in accordance with the regulation concerning the act relating to free legal aid section 1-1.

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

31) Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to (Please specify the Internet addresses):

legal texts (e.g. codes, laws, regulations, etc.)?

☒ yes

www.lovdata.no

case-law of the higher court/s?

☒ yes

www.lovdata.no,
www.hoyesterett.no
 Please note that not all of the case law of the higher courts is available online free of charge, but the newest decisions are. Public instances, for example judicial libraries, offer access, free of charge, to

databases containing case-law of the higher courts.

other documents (for example forms)?

☒ yes

<http://blanketter.ft.dep.no/>

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

☒ Yes

☐ No

If yes, please specify:

Criminal cases:

In criminal cases the prosecuting authority shall send a copy of the indictment and the summary of evidence to defence counsel together with documents relating to the case. Within a time-limit set by the prosecuting authority, defence counsel shall return the documents relating to the case with a statement of what evidence he will produce. The Norwegian government has recently put forward a white paper on strengthening of procedural rights for victims. One of the proposals is an obligation for the police and public prosecutors to

inform victims in special cases about the development in the case, which can include the timeframe of the proceedings. This obligation applies in particular to victims of sexual offences, serious violence, domestic violence, forced marriage, human trafficking and genital mutilation. These victims can also be assisted by a counsel. The proposed amendments are expected to enter into force by 1. July 2008.

Civil cases: The Dispute Act 2005 (in force 1. January 2008) sets down a timeframe of max 6 months (in the general process) and max 3 months (in the small claim process).

33) Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

☒ Yes

☐ No

If yes, please specify:

There are public offices - Norwegian services for victims of crime - that provide assistance and information to victims of crime, free of charge. The Norwegian government is also in the process of establishing helplines for victims. As specified under question 32, some victims are also entitled to a counsel free of charge to assist them with matters concerning the criminal case, compensation etc.

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Victims of rape	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of terrorism	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Children/Witnesses/Victims	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Victims of domestic violence	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnic minorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disabled persons	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Juvenile offenders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- ☒ Yes
☐ No

36) If yes, does this compensation procedure consist in:

- ☒ a public fund?
☒ a court decision?
☐ private fund?

If yes, which kind of cases does this procedure concern?

The public fund for compensation is available for all victims of violent crimes, including sexual offences. Compensation by court decision is available in all kinds of cases, either pursued separately in a civil case or jointly with the criminal case.

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- ☒ Yes
☐ No

If yes, please specify:

The Norwegian National Collection Agency (NCA) is responsible for collection, legal enforcement and accountancy of all financial claims from the police, including compensation for the aggrieved party. NCA conducts statistics over the recovery of compensation awarded by courts. On a general basis the recovery rate is about 90 %.

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?☒ Yes☐ No

If yes, please specify:

The public prosecutors have some obligations to inform victims about their rights, decisions in the case and provide for their right to acquaint themselves with the documents in the case. In some cases the prosecutors also have an obligation to inform victims if the suspect is remanded in custody, for how long and when the person is released. The public prosecutors also have an obligation to pursue civil legal claims, typically claims for compensation and damages, on behalf of the victims jointly with the criminal case. In the above mentioned white paper on strenghtening of victims' rights, recently put forward by the Norwegian government, there are proposals for an even more active role for the public prosecutors in respect of victims of certain types of crime. These proposals concern, inter alia, obligations to provide information on the development of the case, to inform about certain appeals and to offer a personal meeting with the victim before the court proceedings.

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?☒ Yes☐ No

If yes, please specify:

Victims of crime can appeal decisions by the prosecuting authority by way of complaint to the immediately superior prosecuting authority.

2. 2. 2. Confidence of citizens in their justice system**40) Is there a system for compensating users in the following circumstances:**☒ excessive length of proceedings?☒ non execution of court decisions?☒ wrongful arrest?☒ wrongful condemnation?

If yes, please specify (fund, daily tariff):

If a person is wrongfully convicted the Criminal Procedure Act section 444 establish full compensation in addition to any economic loss that the prosecution has caused him. A person who is wrongfully arrested contrary to Art 5 of the European Convention on Human Rights og Art 9 of the UN International Covenant on Civil and Political Rights, is entitled to compensation for any economic loss that the prosecution has caused him. In both cases, certain exeptions are made in section 446. If there is a breach of Art 6 (reasonable time) of the European Convention on Human Rights, the Criminal Procedure

Act section 445 establish - as a main rule - compensation regarding a documented economic loss caused by the unlawful delay. Compensation for economic loss is given based on the factual loss as a consequence of the legal proceedings.

The Criminal Procedure Act section 447 concerns damage for non-economic loss as a consequence of arrest or remand in custody when the person is acquitted or no legal proceedings are instituted against him. Regulations are given with fixed rates, saying that for period of less than four hours, no damages for non-economic loss is paid. After that, the first two periods of 24 hours detention is compensated by 183 Euro (1500 NOK) each. If the charged person is transferred to a prison, each following day shall be compensated by 49 Euro (400 NOK). If the person spends custody in remand to complete isolation, the damages should be raised by 25% of the calculated sum.

Civil cases: The Dispute Act 2005 (in force 1. january 2008) section 20-12 provides possibility for compensation regarding excessive length of proceedings.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- ☒ (Satisfaction) surveys aimed at judges
- ☒ (Satisfaction) surveys aimed at court staff
- ☐ (Satisfaction) surveys aimed at public prosecutors
- ☐ (Satisfaction) surveys aimed at lawyers
- ☒ (Satisfaction) surveys aimed at citizens (visitors of the court)
- ☒ (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

There is no established survey to measure public trust and satisfaction as such (even though surveying have been done ad hoc for specific purposes). There is no established surveying to measure public trust and satisfaction as such (even though surveying have been done ad hoc for specific purposes). There is also a disciplinary committee for lawyers handling cases regarding the ethic standards applying for lawyers. A disciplinary system is also established for judges. The decisions from both disciplinary systems are public.

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input checked="" type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- ☒ Yes
- ☐ No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Can you give information elements concerning the efficiency of this complaint procedure?

See no 122 to 125

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	68 (Dec 31.)
Specialised first instance courts (legal entities)	6
All the courts (geographic locations)	71

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Courts of first instance with limited functions are called special courts. They form part of the ordinary courts of first instance. When specific fields of responsibility are placed under a special court it represents distribution of specific tasks within a particular district. Special courts are found only in the cities of: Oslo, Bergen and Stavanger. In 2006 there were seven special courts of law in Norway.

The capital city, Oslo, in 2006 had three special courts of first instance:

- Office of City Judge of Oslo

Field of responsibility includes enforcement/debt settlement, measures carried out by the enforcement officer, marriages/partnerships, notary functions.

- Oslo Probate Court and the City Recorder's Office

Field of responsibility includes administration of estates, annulment of statements, bankruptcies, judicial registrations, keeping the register over deceased persons.

- Oslo District Court

Field of responsibility includes civil and criminal cases.

In the cities of Bergen and Stavanger there are both the offices of the city judge and the district court. The city judge has cases equivalent to that of the City Judge of Oslo and Oslo Probate Court and the City Recorder's Office combined. The district courts handle the civil cases that are not handled by the offices of the city judge and all the criminal cases.

The prevailing attitude in Norway has been to abolish the practice of special courts. During 2007 the special courts until now found in Bergen and Stavanger, will be abolished. Their field of function is transferred to Bergen District Court and Stavanger District Court. Consequently, the only remaining special court is Office of the City Judge of Oslo. The former functions of Oslo Probate Court and the City Recorder's Office is now included in the functions of the Office of the City Judge of Oslo.

In addition there are courts of particular jurisdiction. Examples of courts with particular jurisdiction are the Labour Court and the Land Consolidation Courts. Altogether there are 34 Land Consolidations Courts and 5 Land Consolidations Courts of Appeal.

The courts of particular jurisdiction are not included in the total number of courts presented above.

The Conciliation Board also form part of the ordinary courts. There are appr. 430 Conciliation Boards and 1320 Conciliation Board members. However, they are not included in the statistical data presented. The Conciliation Boards are an important conciliation body in civil cases. As a main rule conciliation in the Conciliation Board is a mandatory requirement for bringing legal action before the District courts. When an agreement is not reached during conciliation, the Conciliation Board has a broad authority to pass judgement. A major part of the civil cases obtain their resolution through conciliation in the Conciliation Boards.

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

☒ Yes

☐ No

If yes, please specify:

A structural reform reducing the number of first instance courts was initiated in 2001. At present (November 2007), there are 70 first instance courts altogether in Norway. By the end of 2008 there will be 68 first instance courts, and when the reform is fulfilled there will be 66 first instance courts (whereof 6 specialised first instance courts).

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	71
a dismissal	71
a robbery	71

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

Please indicate the sources for the question 45

Domstolsadministrasjonen (National Courts Administration)

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

512

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	61
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

As stated in the last evaluation round, the total number is appr. 70 000

Additional comments also unchanged.

53) Does your judicial system include trial by jury with the participation of citizens?

☒ Yes

☐ No

If yes, for which type of case(s)?

In criminal cases a trial by jury is mandatory when the appeal concerns assessment of evidence for guilt and the prescribed penalty scale for the crime exceeds six years.

The jury decides whether the indicted is to be found guilty or not.

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

891

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal ☐ Yes

non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars ☐ Yes

staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management) ☐ Yes

technical staff

☐ Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

Domstolsadministrasjonen (National Courts Administration)

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

730

58) Do any other persons have similar duties as public prosecutors?

☐ Yes

☒ No

If yes, please specify:

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

56

Please indicate the sources for the questions 57 and 59

Riksadvokaten (Director of Public Prosecutions)

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	- 10 % of courts
Word processing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Case registration system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other electronic communication facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

☒ Yes

☐ No

If yes, please specify the name and the address of this institution:

Domstoladministrasjonen (National Courts Administration)
NO-7485 Trondheim
Norway

Website: www.domstolene.no

Email: postmottak@domstoladministrasjonen.no

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

Domstoladministrasjonen (National Courts Administration)

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- ☒ Yes
☐ No

67) Do you have a regular monitoring system of court activities concerning the:

- ☒ number of incoming cases?
☒ number of decisions?
☐ number of postponed cases?
☒ length of proceedings (timeframes)?
☒ other?

Please specify:

Every six months the National Courts Administration evaluates the courts efficiency by using statistics from the court management information system. The chief judge/court administrative director can produce this statistics whenever he/she wants. The National Courts Administration focuses on the number of incoming cases, the number of closed cases, the number of pending cases and processing time (time elapsed between case coming in until case closed).

68) Do you have a regular system to evaluate the performance of each court?

- ☒ Yes
☐ No

Please specify:

(See 67) The statistics produced every six months are published per court. The processing time will be evaluated against targeted processing time. (See 67) The statistics produced every six months are published per court. The processing time will be evaluated against targeted processing time.

69) Concerning court activities, have you defined performance indicators?

- ☒ Yes
☐ No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- ☒ Incoming cases
☒ Length of proceedings (timeframes)
☒ Closed cases
☒ Pending cases and backlogs
☐ Productivity of judges and court staff
☐ Percentage of cases that are treated by a single sitting judge
☐ The enforcement of penal decisions
☐ Satisfaction of employees of the courts
☐ Satisfaction of clients (regarding the services delivered by the courts)
☐ Judicial and organisational quality of the courts
☐ The costs of the judicial procedures
☐ Other

Please specify:

71) Are there performance targets defined for individual judges?

- ☐ Yes
☒ No

72) Are there performance targets defined at the level of the courts?

- ☐ Yes
☒ No

73) Please specify who is responsible for setting the targets:

- ☒ executive power (for example the Ministry of Justice)
- ☒ legislative power
- ☐ judicial power (for example a High Judicial Council or a Higher Court)
- ☐ other

Please specify

The Parliament sets targets for the Courts processing time in civil and criminal cases, and The Ministry of Justice and Police department also sets targets for processing time.

74) Please specify the main targets applied:

For civil cases: Processing within 6 months (within 3 months small claims)

For criminal cases: Processing within 3 months

75) Which authority is responsible for the evaluation of the performances of the courts:

- ☐ the High Council of judiciary
- ☒ the Ministry of Justice
- ☐ an Inspection authority
- ☐ the Supreme Court
- ☐ an external audit body
- ☒ other?

Other, please specify:

Domstolsadministrasjonen (the National Courts Administration)

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- ☐ Yes
- ☒ No

If yes, please specify:

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

☒ Yes

☐ No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

☒ civil cases?

☒ criminal cases?

☐ administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

☒ Yes

☐ No

If yes, please specify:

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

☒ Yes

☐ No

Please specify (including an indication of the frequency of the evaluation):

The National Courts Administration visit the various courts - of all instances - appr. every second year. Among the issues to be discussed during such a visit will be the general functioning of the court in question. The matters to be discussed may vary, depending on the actual situation of the court. Before coming to visit, the NCA and the actual court decide on the agenda for the meeting.

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

☒ Yes

☐ No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your court monitoring and evaluation system

Please indicate the sources for the the question 70,71, 72 and 76

Domstoladministrasjonen (National Courts Administration)

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

83) Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

☒ Yes

☐ No

If possible, number of successful challenges (in a year):

N.A.

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)	N.A.	N.A.	N.A.	N.A.
Civil proceedings - Article 6§1 (non-execution)	N.A.	N.A.	N.A.	N.A.
Criminal proceedings - Article 6§1 (duration)	N.A.	N.A.	N.A.	N.A.

Please indicate the sources for the questions 82 and 84

Domstoladministrasjonen (National Courts Administration)

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

☒ civil cases?

☒ criminal cases?

☐ administrative cases?

If yes, please specify:

Urgent civil cases: Custody proceedings may take some time to bring to a final conclusion. The parties and interests involved could often call for an interim solution. This is an option permitted by the Children's Act.

Generally, there is the possibility of obtaining an interim court order to secure the claim, more precisely to secure a claim until there is a basis for the ordinary enforcement of the claim.

Urgent criminal cases: Cases including juveniles / minors (i.e. under the age of 18 yrs) and persons in pre-trial custody take priority, as decided in the Act on Criminal Procedure section 275.

86) Are there simplified procedures for:

- ☒ civil cases (small claims)?
- ☒ criminal cases (petty offences)?
- ☐ administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

Civil cases: Cases involving claims of limited amounts (small claims) are dealt with in a simplified procedure, ref. the Dispute Act 2005 chapter 10.

Criminal cases: According to the criminal procedure act section 248 a singular professional judge may pass sentence in cases where the accused person confesses in court, and the confession is strengthened by the other information obtained by the public prosecutor, and the other criterias set forth in section 248 are present.

87) Do courts and lawyers have the possibility to conclude agreements on the modalities for processing cases (presentation of files, decisions on timeframes for lawyers to submit their conclusions and on dates of hearings)?

- ☒ Yes
- ☐ No

If yes, please specify:

The Courts Act section 151 allows the court to reduce legislative time limits and time limits established by the court - with the agreement of the parties.

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	20 946	40 878	42 253	19570

1 Civil (and commercial) litigious cases*	7450	13335	13737	7050
2 Civil (and commercial) non-litigious cases*	5564	11636	11712	5488
3 Enforcement cases	7932	15907	16804	7032
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	4464	16943	17699	3700
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

The numbers presented for "Total criminal cases" includes only cases conducted in court of co-adjudication. The number of pending cases, incoming cases and decisions in confession cases cannot be separated from remand hearings.

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	1572	3160	3323	1415
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	580	1389	1448	519
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious);

(please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	48	91	91	49
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	21	89	81	30
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases				
Employment dismissal cases				
Robbery cases				
Intentional homicide case				

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

94) Where appropriate, please specify the specific procedure as regards divorce:

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

- ☒ to conduct or supervise police investigation?
- ☐ to conduct investigation?
- ☒ when necessary, to demand investigation measures from the judge?
- ☒ to charge?
- ☒ to present the case in the court?
- ☒ to propose a sentence to the judge?
- ☒ to appeal?
- ☐ to supervise the enforcement procedure?
- ☒ to end the case by dropping it without the need for a judicial decision?
- ☒ to end the case by imposing or negotiating a penalty without a judicial decision?
- ☒ other significant powers?

Please specify:

enforcement measures

97) Does the prosecutor also have a role in civil and/or administrative cases?

- ☒ Yes
- ☐ No

If yes, please specify:

The prosecutor has an obligation to present claims for compensation from victims during the criminal proceedings against the offender. The prosecutor can however not be entrusted with safeguarding the interest of children or persons under guardianship.

98) Functions of the public prosecutor in relation to criminal cases – please complete this table:

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 92 to 94 and question 98

Riksadvokaten (Director of Public Prosecutions)

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- ☐ Through a competitive exam (for instance after a law degree)?
- ☒ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- ☐ A combination of both
- ☐ Other

If other, please specify:

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- ☐ an authority composed of judges only?
- ☐ an authority composed of non-judges only?
- ☒ an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- ☐ Yes
- ☒ No

If no, please specify which authority is competent for promoting judges:

The promotion of judges in Norway are appointed by the King in Council on the recommendation of The Ministry of Justice and The Judicial Appointment Board.

102) Which procedures and criteria are used for promoting judges? (please specify).

Judgeships in Norway are open to qualified lawyers from all occupations. In practice, they are primarily applied for and appointed to persons from the government administration, the prosecuting authority and by members of the Bar.

The Judicial Appointments Board and the National Courts Administration cooperate in interviewing the applicants, searching for the individuals considered best qualified, when emphasizing the combined and over-all qualifications. Best over-all qualification consists of skills from law degree and the length and character of working experience.

The Judicial Appointments Board pass on their recommendation to The Ministry of Justice, see above no 101.

103) How are prosecutors recruited?

☐ Through a competitive exam? (for example after a law degree)

☒ A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?

☐ A combination of both

☐ Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

☐ an authority composed of prosecutors only?

☐ an authority composed of non-prosecutors only?

☒ an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

☒ Yes

☐ No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

107) Is the mandate given for an undetermined period for judges ?

☒ Yes

☐ No

Are there exceptions? Please specify:

Sometimes judges may be appointed for a limited periode, varying from a few months up to a maximum of two years. The appointment is renewable.

108) Is the mandate given for an undetermined period for prosecutors?

☒ Yes

☐ No

Are there exceptions? Please specify:

**109) If no, what is the length of the mandate?
Is it renewable?**

for judges

☐ yes, please
specify the
length

see question 107

for prosecutors

☐ yes, please
specify the
length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

5. 1. 2. Training

110) Nature of the training of judges.

Is it compulsory?

- ☒ Initial training
- ☒ General in-service training
- ☒ In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- ☒ In-service training for management functions of the court (e.g. court president, court managers)
- ☒ In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

112) Nature of the training of prosecutors.**Is it compulsory?**

- ☒ Initial training
- ☒ General in-service training
- ☒ Specialised in-service training (e.g. specialised public prosecutor)
- ☐ In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- ☐ In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human

Rights and the case law of the Court

- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	87000	
Judge of the Supreme Court or the Highest Appellate Court	125000	
Public prosecutor at the beginning of his/her career	66000	
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input type="checkbox"/>

116) If other financial benefit, please specify:

117) Can judges combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

	Yes with remuneration	Yes without remuneration	No
Teaching	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Research and publication	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Arbitrator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Consultant	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Cultural function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other function	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

120) If other function, please specify:

As a rule, the prosecutor needs permission from his/her superior to combine his/her work with another profession.

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

☐ Yes

☒ No

If yes, please specify:

Please indicate the source for the question 114

Domstolsadministrasjonen (National Courts Administration) and
Riksadvokaten (Director of Public Prosecutions)

5. 2. 2. Disciplinary procedures**122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:**

Anyone who has been subjected to alleged misconduct of a judge in the performance of his or her office, such as parties, witnesses, indicted or barristers may bring a complaint against the judge to the Supervisory Committee. The right to complain is also extended to the court president, the National Courts Administration and The Ministry of Justice.

Reply from The General Prosecutor: The General Prosecutor initiate disciplinary proceedings, in severe cases the case is presented to the King in Council.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

In November 2002 the Supervisory Committee for Judges was established. The Committee is a separate, administrative, collegiate body composed of five members: two representatives from the epublic, two judges and one lawyer - all appointed by the Government.

The Director General of The Public Prosecutor handles complaints regarding prosecutors.

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)	56	
1. Breach of professional ethics	56	
2. Criminal offence		
3. Professional inadequacy		
4. Other		

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)	9	
1. Reprimand	9	
2. Suspension		
3. Withdrawal of cases		
4. Fine		
5. Temporary reduction of salary		
6. Degradation of post		
7. Transfer to another geographical (court) location		
8. Dismissal		
9. Other		

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

5370

127) Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

- ☒ Yes
☐ No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- ☐ Civil cases*
☒ Criminal cases - Defendant*
☒ Criminal cases - Victim*
☐ Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

In the Supreme Court only advocates who are entiteled to conduct cases before the Supreme Court shall be engaged.

In other courts, any advocate may represent a party. With the special permission of the court, some other suitable persons may represent a party.

130) Is the lawyer profession organised through:

- ☒ a national Bar?
☒ a regional Bar?
☐ a local Bar?

Please specify:

National Bar with 18 regional Bars.

Please indicate the source for the question 126

Supervisory Council For Legal Practice, annual report 2006

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- ☒ Yes
☐ No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- ☒ Yes
☐ No

133) Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

- ☒ Yes
☐ No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- ☐ Yes
☒ No

135) Are lawyers fees:

- ☒ regulated by law?
- ☐ regulated by the Bar association?
- ☒ freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- ☒ Yes
- ☐ No

137) If yes, who is responsible for formulating these quality standards:

- ☒ the Bar association?
- ☒ the legislature?
- ☐ other?

Please specify (including a description of the quality criteria used):
Ethical standards.

138) Is it possible to complain about :

- ☒ the performance of lawyers?
- ☒ the amount of fees?

Please specify:

The clients may complain about the performance of the lawyers and the amount of fees to the Disiplinary Committee. The amount of fees can also be complained about to the court which has handled the case.

139) Which authority is responsible for disciplinary procedures:

- ☐ the judge?
- ☐ the Ministry of Justice?
- ☒ a professional authority or other?

Please specify:

Disciplinary Committee

Supervisory Council For Legal Practice.

140) Disciplinary proceedings and sanctions against lawyers:**Disciplinary proceedings initiated**

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number	yes	yes	yes	yes

141) Disciplinary proceedings and sanctions against lawyers:**Sanctions pronounced**

	Reprimand	Suspension	Removal	Fine	Other
Annual number	yes	yes	yes	yes	yes

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

☒ Yes

☐ No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

☐ Yes

☒ No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?	<input checked="" type="checkbox"/> yes, number:	1972
family cases?	<input type="checkbox"/> yes, number:	
administrative cases?	<input type="checkbox"/> yes, number:	

employment dismissals?	<input type="checkbox"/> yes, number:
criminal cases?	<input type="checkbox"/> yes, number:

Please indicate the source for the question 145

It is not possible to divide the number of proceedings into these categories.

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

A new Arbitration act came into force in 2005. Some judges have extra-judicial activites as arbitators.

- You can indicate below:**
- any useful comments for interpreting the data mentioned above
 - the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

362

148) Are enforcement agents:

- ☐ judges?
- ☐ bailiff practising as private profession ruled by public authorities?
- ☒ bailiff working in a public institution?
- ☐ other enforcement agents?

Please specify their status:

149) Is there a specific initial training or examination to enter the profession of enforcement agent?

- ☐ Yes
- ☒ No

150) Is the profession of enforcement agent organised by?

- ☐ a national body?
- ☐ a regional body?
- ☒ a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- ☒ Yes
- ☐ No

152) Are enforcement fees:

☒ regulated by law?

☐ freely negotiated?

Please indicate the source for the question 147

The National Police Directorate

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

☒ Yes

☐ No

154) Which authority is responsible for the supervision and the control of enforcement agents:

☐ a professional body?

☐ the judge?

☒ the Ministry of Justice?

☐ the prosecutor?

☒ other?

Please specify:

Politidirektoratet (The National Police Directorate)

155) Have quality standards been formulated for enforcement agents?

☐ Yes

☒ No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- ☐ Yes
☒ No

If yes, please specify:

It follows from the Norwegian Enforcement Act § 1-2 that the court decisions rendered against the public authorities listed there cannot be enforced.

Please indicate the sources for the questions 155 and 156

The National Police Directorate

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- ☐ no execution at all?
☐ non execution of court decisions against public authorities?
☐ lack of information?
☒ excessive length?
☐ unlawful practices?
☐ insufficient supervision?
☐ excessive cost?
☐ other?

Please specify:

158) Has your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?

- ☐ Yes
- ☒ No

If yes, please specify:

159) Is there a system measuring the timeframes of the enforcement of decisions:

- ☒ for civil cases?
- ☒ for administrative cases?

160) As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

- ☐ between 1 and 5 days
- ☐ between 6 and 10 days
- ☒ between 11 and 30 days
- ☐ more

Please specify:
Max 90 days

161) Disciplinary proceedings initiated against enforcement agents:

Breach of professional ethics	<input checked="" type="checkbox"/> yes, number:	1
Professional inadequacy	<input checked="" type="checkbox"/> yes, number:	2
Criminal offence	<input type="checkbox"/> yes, number:	
Other	<input type="checkbox"/> yes, number:	

162) Sanctions pronounced against enforcement agents:

Reprimand	<input type="checkbox"/> yes, number:	
Suspension	<input type="checkbox"/> yes, number:	
Dismissal	<input checked="" type="checkbox"/> yes, number:	3
Fine	<input type="checkbox"/> yes, number:	
Other	<input type="checkbox"/> yes, number:	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Kredittilsynet (The Financial Supervisory Authority Norway) performs inspections in the companies/ enforcement agents. In 2006 it was only 4 inspections and the result needs to be examined accordingly. More inspections would most probably have resulted in more disciplinary proceedings.

Please indicate the sources for the questions 157 and 160

The National Police Directorate

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?**

- ☐ Yes
☒ No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

The Norwegian Correctional Service (Kriminalomsorgen)

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

- ☒ Yes

☒ No

If yes, please specify:

The Norwegian National Collection Agency provides such studies and statistics.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- ☒ Yes
☐ No

166) Is the status of notaries:

- | | | |
|---|---|----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input type="checkbox"/> yes,
number: | |
| a public one? | <input checked="" type="checkbox"/> yes,
number: | 76 |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

- ☐ within the framework of civil procedure?
☐ in the field of legal advice?
☐ to authenticate legal deeds?
☒ other?

Please specify:

The duties of the notarius is to give documents or a signatures a public validation.

The most used forms of notarial confirmation are:

- Confirmation of signature.
- Confirmation of signature and power of procuration in a company.
- Assurance on one's honour.
- Confirmation of correct copy.
- Life confirmation.
- Protest on a promissory note.

Please indicacte the source for the question 166

70 district courts and The Office of the City Recorder of Stavanger and Oslo, The Foreign Office, The District Governors Office at Svalbard, East- Finnmark, Cheif of Police, police authority to issue notarial certifications are not included

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

- ☒ Yes
☐ No

169) Which authority is responsible for the supervision and the control of the notaries:

- ☐ a professional body?
☐ the judge?
☐ the Ministry of Justice?
☐ the prosecutor?
☒ other?

Please specify:

National Courts Administration

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

Notarial certifications are carried out at the district courts and The Office of the City Recorder of Stavanger and Oslo.

Also the rural police authority may do notarial certifications but this is usually limited to certify the validity of signatures and issue life confirmations.

The latter may be necessary to receive social security payments etc from abroad. Besides notarial certification may be carried out at the Foreign Office and at District Governors office at Svalbard.

In East-Finnmark county the Chief of Police may do notarial certification.

Head of the register unit at the Brønnøysund Register Centre may issue notarial certifications of transcripts from the register centre and to certify correct copies of documents from the archive of The Brønnøysund Register Centre.

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

The major upcoming reform in Norway is the new Dispute Act (Tvisteloven) that entered into force January 1, 2008. This new legislation institutes a renewed and modern way of handling most civil cases. The intentions of the reform are faster and more cost-effective proceedings, where the judges are expected to play a more active role.

The reform concerning the Norwegian Penal Code (Straffeloven) is still in the making. Part one, with the general provisions is completed and passed Parliament in 2004. The work with part two, describing the different criminal acts, is ongoing and scheduled to pass Parliament in 2008/09 and entering into force at the earliest mid-2009.